IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.768 OF 1999

Mamha @ Mohamed Murtaja Hussain Jod ...Petitioner

Versus

The State of Maharashtra & Ors. ...Respondents

.....

Mr.Deepak Girme for Petitioner.

Mr.K.V.Saste, A.P.P. for Respondents.

.....

CORAM: A.M.KHANWILKAR, J.

MARCH 22, 2005.

P.C.

1. This Petition takes exception to the externment order passed as back as on 26th February 1999 by the competent Authority against the Petitioner. The Petitioner has suffered externment period partly. This Court, while entertaining the present Petition, granted interim relief on 17th September 1999 in favour of the Petitioner. Due to efflux of time, the purpose for which the externment order was issued, must have come to an end.

2. In this backdrop, I am inclined to dispose of this Writ Petition with direction that the remaining period of externment shall not be enforced against the Petitioner, keeping all other questions open.

3. This course is adopted in view of the exposition in the Judgment of the Apex Court in the case of **Baby Naaz vs. Union of India reported in 1990 (Supp) SCC 163 (II)**.

4. Accordingly, this Petition is disposed of on the above terms.

A.M.KHANWILKAR, J.